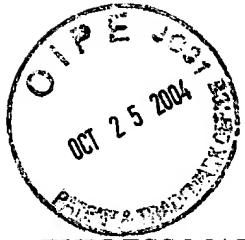


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INTELLECTUAL PROPERTY ATTORNEYS



# COPY

EXPRESS MAIL LABEL NO.: EV384067081US    PATENT APPLICATION  
Docket No.: 13768.178.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TRANSMITTAL FOR INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RECEIVED**

OCT 28 2004

Technology Center 2600

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OF COUNSEL

Transmitted herewith for filing and pursuant to 37 C.F.R. § 1.97 is an Information Disclosure Statement.

Enclosed also are the following designated documents, as required under 37 C.F.R. §§ 1.97 and 1.98:

- Form PTO-1449 list of four (4) references submitted for consideration.
- Legible copies of the listed references or their relevant portions.
- All English translations of each non-English reference, if any, within the possession, custody, control or availability of anyone designated in 37 C.F.R. § 1.56(c) (see 37 C.F.R. § 1.98(c)).

The following are included within the Information Disclosure Statement if applicable and as required under 37 C.F.R. § 1.98:

- Concise explanation of relevance of each reference not in English and unaccompanied by an English translation.
- Statement that certain listed references not enclosed are substantially cumulative of an enclosed reference.
- Statement that certain listed references not enclosed were previously cited by or submitted to the Office in the identified

prior application which is relied upon for an earlier filing date under 35 U.S.C. § 120.

Legible Copies of previously filed Information Disclosure Statement for application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.

In order to secure consideration of the items designated above, one or more of the following, if required, is also enclosed:

Promptness Certification.

Check No. \_\_\_\_\_ in the amount of \$240.00 constituting submission fee under 37 C.F.R. 1.17(p);

Petition for Consideration and Check No. \_\_\_\_\_ in the amount of \$\_\_\_\_\_.

In the event that 37 C.F.R. § 1.97(c) applies and the Examiner is not satisfied that the Promptness Certification meets the requirements of 37 C.F.R. § 1.97(e), or in any other event remediable by a fee, please credit any over payment or charge any additional fees to Deposit Account No. 23-3178 of the undersigned.

Dated this 25<sup>th</sup> day of October, 2004.

Respectfully submitted,



RICK D. NYDEGGER  
Attorney for Applicant  
Registration No. 28,651  
Customer No. 022913



OCT 28 2004

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EXPRESS MAIL LABEL NO.: EV 384 067 081 US

PATENT APPLICATION  
Docket No.: 13768.178.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Neil R. N. Enns, et al.

Serial No.: 09/773,353 ) Art Unit

) 2645

Filed: January 31, 2001 )

Confirmation No.: 4025 )

For: USING A MOBILE DEVICE TO COMPOSE )  
AN ELECTRONIC MESSAGE THAT )  
INCLUDES AUDIO CONTENT )

Examiner: Lisa Hashem )

INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. § 1.97

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). While no representation is made that any of these references may be "prior art" within the meaning of that term under 35 U.S.C. §§

102 or 103, the enclosed list of references is disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record believes that the enclosed art is the closest to the claimed invention (taken in its entirety) of which the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each of the listed references or relevant portion thereof is also enclosed.

In accordance with 37 C.F.R. § 1.98(c), all English translations within the possession, custody, control or availability of anyone designated in 37 C.F.R. § 1.56(c) of each nonenglish reference, if any, are also enclosed.

Dated this 25<sup>th</sup> day of October, 2004.

Respectfully submitted,



RICK D. NYDEGGER  
Attorney for Applicant  
Registration No. 28,651  
Customer No. 022913

RDN:kcs  
KCS000003568V001



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OCT 28 2004

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EXPRESS MAIL LABEL NO.: EV 384 067 081 US

Form PTO-1449

Sheet 1 of 2

Applicant: Neil R. N. Enns, et al.  
Serial No.: 09/773,353 Att'y Docket No.: 13768.178.1  
Filing Date: January 31, 2001 Group: 2645  
Confirmation No.: 4025  
For: USING A MOBILE DEVICE TO COMPOSE AN ELECTRONIC  
MESSAGE THAT INCLUDES AUDIO CONTENT

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INFORMATION DISCLOSURE CITATIONS MADE BY APPLICANTU.S. Patent Documents

Examiner <u>Initial*</u>	Patent <u>Number</u>	Issue <u>Date</u>	Name	Class	Sub <u>Class</u>	Filing <u>Date</u>
_____ A1.	5,717,742	02/10/98	Hyde-Thomson	379	88	05/07/96
_____ A2.	6,212,551	04/03/01	Asghar et al.	709	206	09/15/97

Foreign Patent Documents

Examiner <u>Initial*</u>	Document <u>Number</u>	Publ. <u>Date</u>	Country or <u>Patent Office</u>	Sub <u>Class</u>	<u>Class</u>	Trans- <u>lation</u>
_____ A3.	WO 00/48377	08/17/00	PCT	H04M	1/64	
_____ A4.	GB 2 347 581	09/06/00	UK	H04M	3/50	

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Examiner:

Date Considered:

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

EXPRESS MAIL LABEL NO.: EV 384 067 081 US

Form PTO-1449

Sheet 2 of 2

Applicant: Neil R. N. Enns, et al.

Serial No.: 09/773,353

Att'y Docket No.: 13768.178.1

Filing Date: January 31, 2001

Group: 2645

Confirmation No.: 4025

For: USING A MOBILE DEVICE TO COMPOSE AN ELECTRONIC  
MESSAGE THAT INCLUDES AUDIO CONTENT

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### References Cited by Applicants

While the filing of Information Disclosure Statements is voluntary, the procedure is governed by the guidelines of Section 609 of the Manual of Patent Examining Procedure and 37 C.F.R. §§ 1.97 and 1.98. To be considered a proper Information Disclosure Statement, Form PTO-1449 shall be accompanied by a copy of each listed patent or publication or other item of information and a translation of the pertinent portions of foreign documents (if an existing translation is readily available to the applicant), an explanation of relevance of each reference not in the English language, and should be submitted in a timely manner as set out in MPEP Sec. 609.

Examiners will consider all citations submitted in conformance with 37 C.F.R. § 1.98 and MPEP Sec. 609 and place their initials adjacent the citations in the spaces provided on this form. Examiners will also initial citations not in conformance with the guidelines which may have been considered. A reference may be considered by the Examiner for any reason whether or not the citation is in full conformance with the guidelines. A line will be drawn through a citation if it is not in conformance with the guidelines AND has not been considered. A copy of the submitted form, as reviewed by the Examiner, will be returned to the applicant with the next communication. The original of the form will be entered into the application file.

Each citation initialed by the Examiner will be printed on the issued patent in the same manner as references cited by the Examiner on Form PTO-892.

The reference designations "A1," "A2," etc. (referring to Applicant's reference 1, Applicant's reference 2, etc.) will be used by the Examiner in the same manner as Examiner's reference designations "A," "B," "C," etc. on Office Action Form PTO-1142.

KCS0000003567V001

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Examiner:

Date Considered:

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<b>CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)</b> Applicant(s): Neil R. N. Enns, et al.				Docket No. 13768.178.1
Serial No. 09/773,353	Filing Date January 31, 2001	Confirmation No. 4025	Examiner Lisa Hashem	Group Art Unit 2645
<p>Invention: USING A MOBILE DEVICE TO COMPOSE AN ELECTRONIC MESSAGE THAT INCLUDES AUDIO CONTENT</p> <hr/> <p>I hereby certify that the Transmittal letter (2 pages) (in triplicate); Information Disclosure Statement (2 pgs); Form PTO-1449 Listing all Cited References (2 pgs); Legible Copies of 4 Cited References; and postcard are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on <u>October 05</u>, 2004.</p>				
<p>Kendell Steele</p> <hr/> <p>(<i>Typed or Printed Name of Person Mailing Correspondence</i>)</p>  <hr/> <p>(<i>Signature of Person Mailing Correspondence</i>)</p>				
<p>EV 384 067 081 US</p> <hr/> <p>(<i>"Express Mail" Mailing Label Number</i>)</p>				
<p>KCS0000003569V001</p>				